

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION**

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MARIO AL MORENO EL-BEY, )  
                                )  
Plaintiff,                 )  
                                )  
v.                            )                                   **No. 13-2252-STA-cgc**  
                                )  
TENNESSEE DEPARTMENT OF )  
LABOR AND WORKFORCE      )  
DEVELOPMENT, BENEFIT     )  
PAYMENT CONTROL, and STATE OF )  
TENNESSEE,                 )  
                                )  
Defendants.                )

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**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

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Before the Court is the United States Magistrate Judge' Report and Recommendation that Defendant's Complaint be dismissed without prejudice (D.E. # 7) filed on November 6, 2013. On May 28, 2013, the Magistrate Judge entered an Order (D.E. # 3), ordered Plaintiff to file a properly completed application to proceed *in forma pauperis* or to pay the civil filing fee within thirty days of entry of the Order. The Order notified Plaintiff that failure to comply with the Order would result in dismissal of the action for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b). More than thirty days passed and Plaintiff took no action. Therefore, the Magistrate Judge recommended that the Complaint be dismissed.

Objections to the Report and Recommendation were due within fourteen (14) days of the entry of the Report, making the objections due on or before November 20, 2013. Neither party has filed objections within the time permitted.

Having reviewed the Magistrate Judge's Report and Recommendation *de novo*, the parties' briefs, and the entire record of the proceeding, the Court hereby **ADOPTS** the Magistrate Judge's Report. Defendant's Complaint is **DISMISSED without prejudice**.

**IT IS SO ORDERED.**

s/ **S. Thomas Anderson**  
S. THOMAS ANDERSON  
UNITED STATES DISTRICT JUDGE

Date: December 27, 2013.